

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated September 9, 2010 (hereinafter Office Action) have been considered. Claims 1, 3, 5-14, 21, 26, 28, 29, and 33-36 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicants hereby acknowledge a telephone interview on February 22, 2011 between the Examiner and the undersigned representative. Applicants thank the Examiner for granting the interview, in which possible amendments were discussed pursuant to filing the present RCE.

Claims 1, 3-14, 21, 25, 26 and 28-37 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2005/0218230 by Amtmann et al. (hereinafter “Amtmann”) in view of U.S. Patent No. 7,098,770 to Charrat et al. (hereinafter “Charrat”) and further in view of U.S. Publication No. 2005/0037707 by Lewis (hereinafter “Lewis”).

Applicants first note that the rejections of claims 4, 25, 30, 32, and 37 are now moot due to these claims being canceled without prejudice or disclaimer. As to the pending claims, Applicants respectfully submit that these claims are not rendered obvious by the combination of Amtmann, Charrat, and Lewis. However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claims.

For example, independent claim 1 has been amended to indicate that a reader logic unit operates in a reader operation mode by simulating a radio frequency identification tag to communicate with another radio frequency identification reader. A transponder logic causes the reader device to operate in a show communication mode wherein the reader device acts as a passive radio frequency identification transponder. A switching unit is configured to switch between the reader operation mode when the reader device is powered and the show communication operation mode when the reader device is not powered. Independent claim 28 has been similarly amended. These amendments are fully supported in the Application as filed (e.g., originally filed claims 4 and 9, and paragraphs 0052 and 0054 of the U.S. Publication of the instant Application) and no new matter has been added.

In the rejections, the Charrat and Lewis references were cited as teaching e.g., a switching unit configured to activate a transponder logic unit when the reader device is not powered. Applicants respectfully submit that the combination of Amtmann, Charrat at least fails to teach or suggest all the limitations of independent claim 1, particularly as amended. Charrat describes a contactless integrated circuit reader capable of switching to a passive operating mode in which the reader does not send a magnetic field and operates with regard to another reader like a contactless integrated circuit. (Charatt, column 2, lines 29-37).

However, while Charrat describes a “passive” operating mode, this mode is actually an active mode that simulates a passive device, e.g., “switching to a passive operating mode in which it simulates the operation of a contactless integrated circuit to converse or communicate with another contactless integrated circuit reader.” (Charrat, column 5, lines 29-31). Charrat describes circuitry that is powered in passive mode, e.g., “an antenna circuit LCR2 made up ... a microprocessor MP2, a memory MEM2, a modulation circuit MDC2, an oscillator OSC2 delivering an excitation signal S2” and further that a microprocessor switches in and out of passive mode. (Charrat, col. 8, lines 24-31 and 37-43). This is not inconsistent with the description of, e.g., passive communication mode per the ECMA-340 standard as described in paragraph 0052 of the present Application, which requires energizing of the communicating RFID tag reader device via a power supply.

Additionally, the claims have been amended to more clearly recite that in the reader operation mode, the reader device simulates a radio frequency identification tag, and that the transponder logic unit also is capable of acting as a passive radio frequency identification transponder when the device is not powered. This latter mode is now referred to in the claims as “show communication mode” to maintain consistency with the Specification. As described above, Charrat describes a fully active, powered system to perform RFID functionality, regardless of whether a mode is labeled “passive” or not, and so fails to suggest this aspect of the claims.

The Lewis reference (e.g., at 0049) was also cited as teaching a passive tag that can operate without power from a mobile device power supply. Lewis describes a mobile terminal with “a passive tag 14 (also shown in phantom) which serves to receive and store

initial configuration information used by the mobile terminal 12 to operate within a conventional wireless network.” (Lewis, 0024). The “passive tag 14 derives sufficient power from the RF signal” to perform operations that include demodulating an RF signal to determine the configuration information, and storing the configuration in memory. (Lewis, 0026-0027). In FIG. 5, Lewis shows switch 104c that is described as controlling “controls whether the operating power for the passive tag 14 comes from the RF derived power on line 96 or from line 82” (Lewis, 0051). However, the “tag” described in Lewis is not taught or suggested as operating as a passive radio frequency transponder tag. The tag 14 in Lewis merely receives data which is stored in the nonvolatile memory 98, and is not taught as retransmitting data in response to RF signals.

In addition to the above, the switch 104c in Lewis is not taught or suggested as changing a mode in which the tag operates. As seen in FIG. 5, the output of the switch is an operating voltage, and the input may be either RF derived power from the passive power supply 90 or from system power 82. Lewis does not explicitly describe which elements of the circuitry (collectively identified as “tag 14”) in FIG. 5 use this operating voltage, but it would be reasonable to assume that this powers the registers 100, 102 and memory 98 that receive data from the decoder/encoder 90. The antenna 70 and decoder/encoder 90 are shown as integrated with the passive power supply, so Lewis at least fail to teach or suggest that the antenna 70 and decoder/encoder 90 (which provide the radio frequency interactions) operate in anything but a passive mode. The switch 104c does not control a mode of the antenna 70 and decoder/encoder 90, but instead provides power to the memory devices 98, 100, 102 in both unpowered and powered modes of the mobile terminal. In the latter case, the switch 104c allows the previously stored data to be read on address and data busses 78, 76 when the mobile terminal is powered on.

The combination of Amtmann, Charrat, and Lewis at least fail to teach or suggest a reader device switching from a reader operation mode when the reader device is powered and a show communication mode when the reader device is not powered, wherein the reader device simulates a radio frequency identification tag to communicate with another radio frequency identification reader in the reader operation mode, and wherein the reader

device acts as a passive radio frequency identification transponder in the show communication mode. As a result, the Amtmann/Charrat/Lewis combination fails to render independent claims 1 and 28 obvious. Dependent claims 3, 5-14, 21, 26, 29, and 33-36 are allowable for the same reason because of their respective dependence from claims 1 and 28. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” M.P.E.P. §2143.03; citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Authorization is given to charge Deposit Account No. 50-3581 (IHN.060.WUS) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8500 Normandale Lake Blvd., Suite 320
Minneapolis, MN 55437
952.854.2700

Date: February 28, 2011

By: /William B. Ashley/

William B. Ashley
Reg. No. 51,419